



# BULLETIN

Volume 8, Issue 8

June, 2003



## Status and Direction

The state of North Dakota's COG and COOP processes are again evolving. What began with Governor Hoeven's directive requiring State entity's to develop a business continuity/disaster recovery plan has become the creation of a next generation State planning system.

After the presentation at the 2003 Risk Management Seminar, it became apparent that the Strohl Systems LDRPS could be adapted to address the need to integrate the vast number of State operational plans and data (including COG plans) into a single, coherent, usable State planning system. LDRPS provides North Dakota the potential to develop a statewide network of compatible systems that eventually could include state, local, and tribal entities, as well as private entities with key assets and critical infrastructures.

To ensure the full potential of LDRPS can be realized, the State COG Team has established a Project Pilot Team to provide guidance across a wide spectrum of issues. The Team will formulate configuration of the LDRPS screens to address specific agency needs such as district or satellite functions, security, and levels of access.

The Team will also be the first group of State entities to receive training and implement the LDRPS for their Continuity of Operations plans. It is projected that the results of this limited, highly controlled implementation will aid in the refinement of the system to ensure a highly successful statewide deployment in the future.

Status reports on the Team's activities will be posted on the State COG web site.

*Web site:*  
[DiscoverND.com/COG](http://DiscoverND.com/COG)

Route to:

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### Risk Management Division:

#### General Information:

(701) 328-7580  
rheller@state.nd.us

#### Loss Control:

(701) 328-7582

#### Workers Compensation:

(701) 328-7583

#### Office Fax:

(701) 328-7585

#### Website:

[www.state.nd.us/risk/](http://www.state.nd.us/risk/)

### *Risk Management Division Mission Statement*

*To protect the assets  
of the State of North  
Dakota - its people,  
property, and financial  
resources - so that the  
State can continue to  
meet its obligations to  
its citizens.*

## WE ARE RELOCATING - NEW ADDRESS AND PHONE NUMBERS

Effective *July 1, 2003* our new address will be:

Century Center  
1600 East Century Avenue, Suite 4  
Bismarck ND 58503-0649

Telephone: (701) 328-7580



# Continuum of Operations

Even though implementation and training of the LDRPS has been delayed, there are still a number of things you can be doing today to prepare for when you are going to be given access to LDRPS to enter data for your entity's COOP Plan.

While LDRPS will ask questions and direct the development of your Plan, you will need to have compiled certain information to complete the process. Some of this work was done when you developed the initial COG Plan you submitted to our office in December of 2002. However, now is the time for you to ensure you have compiled the required information for LDRPS. This can be accomplished by reviewing the Plan Development Questionnaire that you will find on the State COG web site. (A hard copy of the form can be found in the 2003 Risk Management Seminar binder behind the blue sheet under the Strohl's LDRPS tab.)

Section 1 of the Questionnaire facilitates determining procedures for identifying functions, declaring a disaster, the chain of command, exactly how the cleanup process will work, and who will be involved in that process. Section 2 asks specific questions of divisional managers in order to make determinations regarding what will be required for each identified function

within the entity to continue business as needed.

Once you have completed the Plan Development Questionnaire, you could move on to working on information needed to complete the excel spread-

**... the most important thing you can do while you are waiting for access to the LDRPS is to ensure all employees in your entity are fully briefed on your current COG Plan. Every staff member needs to know what functions have been identified as entity essential functions, confirm that personnel designated as essential personnel are willing and able to act in that capacity, and what is expected of each employee, individually, should your Plan be activated.**

sheet forms compiling information on such things as computer applications, equipment, work-stations, specialized personnel training. All of this information will eventually be included in the LDRPS system even though titles may vary somewhat after the Project Pilot Team completes its work.

If you have trouble accessing any of these forms or have any questions concerning the forms, do not hesitate to contact our office.

However, the most important thing you can do while you are waiting for access to the LDRPS is to ensure all employees in your entity are fully briefed on your current COG Plan. Every staff member needs to know what functions have been identified as essential functions, confirm that personnel designated as essential personnel are willing and able to act in that capacity, and what is expected of each employee, individually, should your Plan be activated.

## RM Fund and RMWCP Discount Programs

The filing deadline for FY'04 discounts was May 1, 2003. Applications are currently being reviewed. You will be notified by e-mail when your discount rate has been determined. Statements for the FY '04 contributions will be mailed after July 1, 2003.



## Loss Control Tools

**2003 Legislative actions** that affected Risk Management:

- HB 1149 removed the sunset on the RMWCP permanently establishing the program; and
- SB 2275 increased No Fault coverage from \$5,000 to \$10,000 before coordinating benefits which will increase the cost to the RM Fund for injury to passengers in state owned vehicles.

### Benchmarking Data:

The RM Fund's loss history for the period of December 30, 2001 to December 30, 2002 was very positive. In fact, losses were about half of what the average has been for the past 7 years. Congratulations—your loss control efforts are paying off! But we can't rest on our laurels.

An analysis of where our losses are occurring shows 33% of the claims are attributed to vehicle liability (the operation of state owned or leased vehicles). That figure is 2% higher than last year's figures. 28% of the total costs incurred to settle and investigate claims are attributed to vehicle liability, 4% higher than last year.



Further analysis of vehicle liability claims shows the most costly vehicle liability claims are as the result of rear-end, head-on/ sideswipe, and intersection collisions.

The most costly general liability claims are as the result of employment practices liability (workplace discrimination, harassment, and wrongful termination). The positive news is that while there was a 1% decrease in the number of EPL claims, the costs associated with EPL claims was reduced by 5% during that period.



#### Lessons from the Court:

Just as a decision by the U.S. Supreme Court provided direction on how the State should establish policies and procedures to provide affirmative defenses to employment liability claims, a recent North Dakota Supreme Court decision has given the State a framework to address potential hazardous conditions that may result in claims and lawsuits.



The Court provided the following loss control guidelines:

**Recognize**—train employees to be aware of surroundings;

**React**—repair or mark hazardous conditions; and

**Record**—document how the identified hazard was addressed (was the hazard repaired or flagged to warn).

## *RMWCP UPDATE*

### **Revisions to the Premium Discount Designated Medical Provider Programs**

The State single account Risk Management Workers Compensation Program established July 1, 2001 has resulted in premium dollar savings as well as a reduction in the number and associated costs of workers compensation claims for the State. Now we are in a position to share those savings with the agencies and facilities.

**Beginning with fiscal year '04, State entities can qualify for a \$150 per claim deductible rather than the current \$250.**

The deductible will be reduced by \$100 for those entities that:

- Select one of the four Health Systems that have been identified by Risk Management as occupational medicine programs that will ensure appropriate treatment for workplace injuries. Those Systems are Altru (Northeast), Merit Care (Southeast), MedCenter One (Southwest), and Trinity (Northwest).
- In a city where an Occupational Medicine Clinic is located, employees must go to that Clinic for non-emergency treatment. In other locations, the employee must go to one of the system's satellite clinics.
- After-hour care can be done at the Health System's urgent care/after hours clinic.

**Beginning with fiscal year '05, State entities can qualify for a discount in workers compensation premium of 15% rather than the current 10%. The new percentage discounts will be as follows:**



*To qualify for the initial 3%:*

- Establish a safety policy that is reviewed annually with employees;
- Establish safety guidelines;
- Develop essential job functions; and
- Attend the annual Risk Management Seminar

*To qualify for an additional 7%:*

- Establish and document a training program;
- Establish a Designated Medical Provider;
- File 90% of claims online within 24 hours of a routine injury and immediately following a traumatic injury; and
- Participate in the State's transitional duty program as required.

*To qualify for an additional 3%:*

- Establish an investigation procedure for all accidents and near misses that have been documented on an adequately completed incident report; and
- Perform an annual inspection of your workplace.

*To qualify for an additional 2%:*

- Establish a written substance abuse policy documenting the identification and notification of an EAP and the training of your employees on the policy.

The deadline to apply for the 15% discount will be May 1, 2004.

## Risk Management Division

Century Center  
1600 East Century Avenue, Suite 4  
Bismarck ND 58503-0649

### CHECK IT OUT!!

Please check your address label.  
Report any corrections to our office.

## BULLETIN

# Revisions to the Risk Management Manual



### Remove

### Insert

Table of Contents (pages i to v)	Table of Contents (pages i to v)
Purpose of Manual—I	Purpose of Manual I
Page 2.2-1	Page 2.2-1
Risk Management Fund Incident Report SFN 50508; Motor Vehicle Accident Report SFN 51301; Notice of Claim SFN 50552—following page 3.5-1	Risk Management Fund Incident Report SFN 50508; Motor Vehicle Accident Report SFN 51301; Notice of Claim SFN 50552; —following page 3.5-1
RM & WC Contacts following page 3.6-1	Page 3.7-1; RM & WC Contacts following page 3.7-1
Page 4.6-4	Page 4.6-4
Page 4.6-10	Page 4.6-10
Page 5.1-10 to 5.1-23	Page 5.1-10 to 5.1-23
Page 6.2-1	Page 6.2-1
Request for Legal Defense and Indemnification Form following page 8.4-1	Request for Legal Defense and Indemnification Form following page 8.4-1
Section 9	Section 9

### Risk Management Division Website Features

Visit our website at [www.state.nd.us/risk/](http://www.state.nd.us/risk/) for standard and updated features including:

- ◆ Personnel e-mail and telephone directory
- ◆ Risk Management Manual
- ◆ Reporting Forms (following page 3.5-1 of the manual)
  - \* Incident Report (SFN 50508)
  - \* Notice of Claim (SFN 50552)
  - \* Motor Vehicle Accident Report (SFN 51301)
  - \* Destruction Hold Notice (SFN 52376)
- ◆ Facility Audit and Inspection Checklists (Page 4.3-1)
- ◆ Emergency and Disaster Procedures (Pages 4.5-1 through 4.6-5)
- ◆ Facility Use Agreement Form (Page 5.2-2)
- ◆ Waiver Forms (Pages 5.2-3 & 4)
- ◆ Risk Management Bulletins
- ◆ Discount Application Forms
  - \* RM Fund (SFN 53424)
  - \* RMWCF (SFN 53425)
  - \* Designated Medical Provider (SFN 53758)